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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/434,124	11/05/1999	EIICHI HOSHINO	0649-0706P-S	3521

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BIRCH STEWART KOLASCH & BIRCH LLP
P O BOX 747
FALLS CHURCH, VA 220400747

EXAMINER

TSOY, ELENA

ART UNIT

PAPER NUMBER

1762

DATE MAILED: 08/05/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

17-3

Office Action Summary

Applicati n No.

09/434,124

Applicant(s)

HOSHINO ET AL.

Examiner

Elena Tsoy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. Amendment filed on June 13, 2002 has been entered. Claim 2 has been cancelled. New claims 9-11 have been added. Claims 1, 3-11 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Rejection of claims 1-3, 5, 7, 8 under 35 U.S.C. 102(b) as being anticipated by JP

10179498 has been withdrawn.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 3-5, 7-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over JP

10179498.

As to claims 1, 11, JP 10179498 discloses an adhesive mold removing cleaning sheet 30 comprising a liquid-permeable supporting sheet 32 (See Figs. 8, 9; Translated text, page 8, [0008]; page 32, [0052]), an active ingredient member 31 comprising a mold removing ingredient, an adhesive member 33a similar to 22a, comprising a (liquid-permeable) adhesive

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(See Figs. 4, 7; Translated text, page 8, [0009]; page 25, [0039]), a liquid-permeable dropping off prevention sheet (an isolating layer) 33 for separating said active ingredient member 31 and said adhesive member 33a, wherein said supporting sheet 32 is made from similar material as said liquid-permeable isolating layer 33, and said cleaning sheet on use being stuck onto an object to be cleaned by applying the adhesive member 33a to the object. See Figs. 8, 9; Translated text, page 5, [0001]; page 6, [0004], paragraph 4; page 31, [0050]) page 33, [0053]. The adhesive member 33a similar to 22a, comprises a hydrophilic adhesive. See Figs. 4, 7; Translated text, page 8, [0009]; page 25, [0039]. The adhesive surface of the mold removing cleaning sheet should contain at least 30 wt % of the hydrophilic adhesive in an adhesive blend (See Translated text, page 14, [0021]), with a water content 0.1-60 wt % (See Translated text, page 20, [0030]).

JP 10179498 further teaches that the mold removing cleaning sheet can be deformed into the shape of a joint either by adhering the entire surface of an adhesive member (containing a hydrophilic adhesive), which is applied over the entire surface of a liquid-permeable supporting sheet, as shown in a first embodiment (See Figs. 1, 3) or using a water absorptive polymer, which in a swollen condition forces the sheet to conform to the shape of the joint, as shown in a second embodiment (See Figs. 6, 9; Translated text, page 32, [0052]), the water absorptive polymer being applied to the central part of the cleaning sheet between the liquid-permeable supporting sheet and a liquid-permeable isolating layer, and adhering only edges of the liquid-permeable isolating layer to the tiles forming the joint, since the adhesive member (containing the hydrophilic adhesive) in the second embodiment is applied only over edges of the liquid-permeable isolating layer.

JP 10179498 fails to teach that the adhesive member (containing the hydrophilic adhesive) is applied over substantially entire surface of the isolating layer not just over edges thereby deforming the cleaning sheet into the shape of the joint by adhering a substantially entire surface of the isolating layer instead of using the adhesive member (containing the hydrophilic adhesive) only on the edges of the isolating layer and the water absorptive polymer in the central part of the cleaning sheet between the liquid-permeable supporting sheet and the isolating layer.

It is held that the selection of a known material based on its suitability for its intended use supported a prima facie obviousness determination in *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied an adhesive member (containing the hydrophilic adhesive) over the entire surface or over the substantial part of the surface of a liquid-permeable isolating layer in a cleaning sheet of JP 10179498 instead of using a water absorptive polymer in the central part of the cleaning sheet, and the adhesive member (containing the hydrophilic adhesive) on the edges of the isolating layer with the expectation of providing the desired deformation of the cleaning sheet to the shape of the joint, since JP 10179498 teaches that either the adhesive member (containing the hydrophilic adhesive), applied over the entire surface or over the substantial part of the surface, or the water absorptive polymer can be used for the same conforming purpose.

As to claim 3, said mold removing ingredient is provided on said supporting sheet 32, said isolating layer 33 is provided on said active ingredient member 31 to cover said active ingredient member 31, and said adhesive is provided on said isolating layer 33 to form said adhesive member 33a. See Figs. 7, 9.

As to claim 4, JP 10179498 further teaches that the liquid-permeable adhesive of the adhesive member 33a can be impregnated with water (See Translated text, page 20, [0030]). In other words it has through-holes. However, JP 10179498 fails to teach that the through-holes are perforated through-holes.

It would have been an obvious matter of design choice to form through-holes of the liquid-permeable adhesive of the active ingredient member 31 of any desirable size, since such a modification would have involved a mere change in the size of a components. In re Rose, 105 USPQ 237 (CCPA 1955).

As to claim 5, said adhesive member 33a is arranged in two (a plurality) adhesive bands arranged in parallel in a width direction of said isolating layer 33. See Fig. 7.

As to claims 7, said hydrophilic adhesive contains a polymer selected from (i) a polymer having a salt forming group, (ii) a non-ionic water-soluble polymer, (ii) gelatin, (iv) an emulsion polymer, and (v) a cross-linked product of the polymers (i)-(iv). See Translated text, page 8, [00009].

As to claim 8, a polymer having a salt forming group is a water-soluble sodium styrenesulfonate/methacrylic acid copolymer. See Translated text, page 8, [0009]; page 39, compound No. 7.

As to claim 9, the adhesive member is prepared by blending a hydrophilic adhesive, a plasticizer, a surfactant. See Translated text, page 37, [0057].

As to claim 10, the hydrophilic adhesive in an adhesive blend contains 0.1-30 wt % water (See Translated text, page 20, [0030]).

6. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10179498 in view of Thies et al (US 4,464,317).

JP 10179498, as applied above, further teaches that an adhesive member 11 is a layer provided on the surface of the supporting sheet 12, an active ingredient member is a plurality of particles dispersed in said adhesive member 11. See Fig. 3; Translated text, page 8, [0007, 0008].

JP 10179498 fails to teach that each particle of the plurality of dispersed active ingredient particles is covered by an isolating layer.

Thies et al teach that encapsulation (covering by an isolating layer) of particles of an active agents such as mildew preventing agents (See column 3, lines 8-16) allows to control the release rate of the active agent upon gradual fragmentation of formed capsules in water containing environment (See column 7, lines 19-34). The capsules comprise a core of dispersion of particles in a silicate matrix covered by an outer insoluble silicate shell (See column 3, lines 1-8).

Thies et al fail to teach that that every particle of the active agent can be encapsulated. However, one of ordinary skill in the art will understand from Thies et al teaching that release rate of the active agent can be also controlled when every particle of an active agent is coated with an outer isolating layer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have covered each particle of the plurality of dispersed particles of a mold removing ingredient in a cleaning sheet of JP 10179498 with an isolating layer thereby separating the mold removing ingredient from the water containing environment with the expectation of providing the desired control release of the mold removing ingredient, as taught by Thies et al.

Response to Arguments

7. Applicant's arguments filed June 13, 2002 with respect to claims 1, 3-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is (703) 605-1171. The examiner can normally be reached on 9:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

ET

Elena Tsoy
Examiner
Art Unit 1762

July 31, 2002


SHRIVE P. BECK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700